

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

ERIN DODSON,)	
)	
Plaintiff,)	
)	
v.)	Cause No.: 1:24-CV-209-HAB-SLC
)	
CLOROX MANUFACTURING CO.)	
)	
Defendant.)	

**OPINION AND ORDER ADOPTING THE MAGISTRATE
JUDGE’SREPORT AND RECOMMENDATION**

This matter is before the Court for an Order on the Magistrate Judge’s Report and Recommendation (“R & R”) wherein the Magistrate Judge *sua sponte* recommends the case be REMANDED to state court for lack of subject matter jurisdiction. (ECF No. 21). The parties had fourteen days after being served with a copy of the R & R to file written objections thereto with the Clerk of Court. No objections to the R&R have been filed.

Plaintiff filed her complaint on March 28, 2024, in the Allen County Superior Court, advancing claims of defective product liability and negligent infliction of emotional distress under state law. (ECF No. 4). Defendant removed the action to this Court on May 22, 2024, alleging subject matter jurisdiction under 28 U.S.C. § 1332 based on diversity of citizenship between the parties. (ECF No. 1). At the preliminary pretrial conference held before the Magistrate Judge, Plaintiff’s counsel represented that Plaintiff’s out of pocket damages were minimal but that she was also seeking emotional distress damages. Even so, counsel could not confirm without speaking with the Plaintiff that any good faith settlement demand would exceed the jurisdictional threshold of \$75,000. Given these representations from counsel, the Magistrate Judge set the matter for a further status conference. At that conference, Plaintiff’s counsel confirmed that any settlement

demand would be less than jurisdictional amount. Plaintiff's counsel thus conceded that the amount in controversy requirement for diversity jurisdiction could not be met in the case. At the conclusion of the status conference, the Magistrate Judge indicated that she would *sua sponte* issue an R & R recommending that the case be remanded to the Allen Superior Court. She did so on August 7, 2024.

The undersigned has reviewed the Magistrate Judge's R & R and finds the determination by the Magistrate Judge that this court lacks subject matter jurisdiction is well-taken. The R & R is APPROVED AND ADOPTED. (ECF No. 21). This case is REMANDED to the Allen Superior Court.

SO ORDERED on September 4, 2024.

s/ Holly A. Brady
CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT